

**IN THE UNITED STATE DISTRICT COURT
DISTRICT OF NEW MEXICO**

STAFANIE RANGER,

Plaintiff,

vs.

No. _____

AVA MARTINEZ, VARIOUS AGENTS,
EMPLOYEES, AND OFFICIALS OF THE BUREAU
OF INDIAN AFFAIRS AND OF THE UNITED STATES
DEPARTMENT OF THE INTERIOR, AND
THE UNITED STATES OF AMERICA,

Defendants.

COMPLAINT FOR PERSONAL INJURY

Plaintiff states:

1. At all relevant times, Plaintiff Stefanie Ranger was a resident of Brimhall, McKinley County, New Mexico.
2. At all relevant times, Defendant Ava Martinez was an employee and agent of the Bureau of Indian Affairs.
3. This Court has jurisdiction over the parties and subject matter pursuant to 28 USC §1336(b) and the Constitution of the United States.
4. Defendant United State of America, the Department of the Interior (“DOI”) and the Bureau of Indian Affairs (“BIA”), who are amenable to suit pursuant to the Federal Tort Claims Act (“FTCA”).
5. All acts and claims arise within the State of New Mexico, making venue proper over the parties and claims for relief in the United States District Court for the District of New Mexico. 28 U.S.C. §1331(e).

6. On March 18, 2011, the claims were presented to Larry EchoHawk, Assistant of Indian Affairs and Alfred Abeita, Regional Safety Manager, Bureau of Indian Affairs, pursuant to 28 § 2675(a).

7. The agency has not yet issued a final action either accepting liability or denying Plaintiff's claims on March 18, 2011. It has been more than six (6) months since the tort claim was sent, making this claim ripe for adjudication.

8. On or about November 17, 2009 at approximately 12:50 p.m. Stefanie Ranger was a passenger of a 2005 four door Pontiac Grand Prix driven by Justin Jensen.

9. Justin Jensen, who was the driver of the vehicle carrying Ms. Ranger, was heading westbound on Stacher Road in Crownpoint, New Mexico.

10. At all relevant times and in all actions alleged herein, Ava Martinez was operating a 2005 two door extended cab Chevy truck, license plate number G410481A, owned by the United States and acting within the authority, scope and course of her employment, in her official capacity as an employee of the United States, the DOI and the BIA and in furtherance of the United States', DOI's and BIA's business.

11. Ava Martinez pulled out into the path of Mr. Jensen's vehicle, heading southeast through the junction without stopping causing Mr. Jensen to steer the vehicle into the eastbound lane. The vehicle driven by Ms. Martinez crashed into the passenger side of Mr. Jensen's vehicle causing great bodily harm to Ms. Ranger.

12. Ava Martinez operated the DOI and BIA vehicle in a careless, reckless and negligent manner in that, inter alia, and without limitations, Ms. Martinez failed to yield the right of way, and was inattentive while driving.

13. Ms. Martinez had a duty to operate the DOI and BIA vehicle in a safe, reasonable, and

prudent manner under the circumstances.

14. Ava Martinez failed to exercise reasonable care while operating the vehicle in furtherance of the DOI's and BIA's businesses.

15. Ava Martinez breached her duty by failing to operate the vehicle in a safe reasonable, and prudent manner under the circumstances.

16. At all relevant times, Stefanie Ranger had a right to liberty of her person and to have her person to be free from injury.

17. This action falls within the jurisdiction of this Federal Court pursuant to 28 USC § 1331, enabling Ms. Ranger to bring a cause of action for damages.

18. By colliding with Ms. Martinez' vehicle and inflicting bodily harm on Ms. Ranger, Ms. Martinez willfully violated Ms. Ranger's right to liberty.

19. As a direct and proximate result of Ms. Martinez' acts, Ms. Ranger has suffered damages.

20. Plaintiff is entitled to attorney fees and costs pursuant to 42 U.S.C. §1988.

WHEREFORE Plaintiff prays for an order of the Court giving judgment against Ava Martinez, the United States, DOI and BIA in an amount reasonable to compensate Stefanie Ranger for violation of Ms. Ranger's right of liberty to be free from injury, awarding Ms. Ranger the cost of this litigation, including her attorneys fees and granting such other relief the Court deems just.

KEELER & KEELER, LLP.

/s/ William R. Keeler

William R. Keeler
108 East Aztec, Suite A
Gallup, NM 87305
(505) 722-5608

Attorney for Plaintiff